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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,099	05/04/2001	Praerit Garg	MSFT-0223/158385.1	7971

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09/02/2005

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EXAMINER

LEMMA, SAMSON B

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 09/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/849,099

Applicant(s)

GARG ET AL.

Examiner

Samson B. Lemma

Art Unit

2132

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: The claim 18-21 recites, "wherein at least one property of said static maximum allowed access data structure is determined by an evaluation of an access request". This new claim language requires further search and consideration. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-21.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


GILBERTO BARRON JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's argument filed on August 11, 2005 have been fully considered but they are not persuasive. This office action is in reply to an amendment filed on August 01, 2005. Claims 1-21 are pending.

The first argument by the applicant is about the independent claims 1, includes limitations that are not shown or suggested by the combinations of the references on the record, namely Netegrity White Paper and Schneck. Applicant recited the following in support of his first argument.

First, with respect to claim 1, the Official Action admits that Netegrity does not explicitly teach the how (sic) the static maximum allowed access data is determined. Official Action, page 9, second paragraph. The portion of claim 1 that includes this limitation reads as follows:

determining a static maximum allowed access data structure pursuant to an evaluation of the first access request, wherein the static maximum allowed access data structure includes information representative of a set of policies that is reduced to static form that is common to a class of access requests, (emphasis added). Thus, the Official Action admits that Netegrity does not teach how the static maximum allowed access data structure is determined, which as set forth in claim 1 involves evaluation of the first access request. Applicants agree with Examiner in this regard, and emphasize that while Netegrity merely caches access requests, claim 1 contemplates evaluation of an access request. The Official Action next asserts that Schneck cures the deficiency of Netegrity. As stated in the Official Action, "Schneck discloses how the access control quantities can be determined by including some items including an allowable size of read-access to the data" Official Action, page 9, third paragraph.

Applicants believe that on reconsideration Examiner will agree that even if Schneck discloses that which Examiner proposes, Schneck does not teach or otherwise imply "an evaluation of the first access request" as required by the claim. In other words, "determining a static maximum allowed access data structure pursuant to an evaluation of the first access request" simply cannot be deemed similar to determining access control quantities including an allowable size of read-access to the data.

Therefore, the requirement in MPEP 2142 that the prior art teach or suggest all claim limitations has not been met in the rejection of claim 1.

Examiner disagrees with the above argument. Examiner would point out that Netegrity disclosed the following limitation,

Determining a static maximum allowed access data structure pursuant to an evaluation of the first access request, wherein the static maximum allowed access data structure includes information representative of a set of policies that is reduced to static form that is common to a class of access requests; (Page 2, and Page 3. Paragraph 1-5)

("Applicant defined on the 1st page of the disclosure that the invention is about re-using the computations that have already been made, so that policy evaluations are not repeated, thereby making a system more efficient, freeing up computer resources and generally increasing performance. Applicant on page 3, 2nd and 3rd paragraphs, explained how several access checks involves the same user accessing resources protected by the same authorization policy and caching this particular access policy determination that is likely to be repeated called by the applicant as "static maximum allowed access" and that is granted for given access inquiry and ultimately cached. Netegrity on page 2, 2nd paragraph, under the title "web agent caches" discloses that the web agent has two caches to optimize performance by saving the information that is likely to be repeated on either resource or sessions cache or both. This information which is saved meets the limitation of as "static maximum allowed access" and when a first user request is made for a protected resources, the web agent will determine whether it is a protected resource (by communicating with the Policy server) and then saves information in the Resource Cache, the meets the limitation of the determining a static maximum allowed access data structure pursuant to an evaluation of the first access request.[Page 2, paragraph 2]

Therefore Schneck, the secondary reference on the record should not necessary teach an evaluation of the first access request while the first reference, namely Netegrity already disclosed the features as discussed above and in the former final office action.

The second argument by the applicant related to the again to the first claim. The applicant recited the following in support of his argument.

Applicants would also like to point out at least one misquote of the prior art in the Official Action. Official Action page 3, third paragraph, cites Netegrity as stating, When the web agent is initialized, it establishes or enforces a static and dynamic access policy or cache of information." In fact, the cited Netegrity section provides, When the Web Agent is initialized, it establishes a cache of information about resources that are protected by this Agent." Applicants request that quotation marks be reserved for exact word-for-word quotation from the cited source to avoid confusion. Applicants also emphasize that the remarks made herein are directed to the most notable deficiencies in the rejections, and no admission is made as to the correct interpretation of the references through quotation or otherwise.

In response to the above argument the Examiner points out the that Netegrity While paper further discloses the following, "When the web agent is initialized, it establishes or enforces a static and dynamic access policy or cache of information protecting a resource by the web agent as explained on page 2, reference "Resource Cache " and page3, Paragraph 1-5, and page 2, last Paragraph". The term "dynamically" as used in the claim is much more closely relates to the Netegrity While paper referring since it is related as applicant points out how the caches are filled over time as access request are processed for instance it has been indicated how entries can be flushed in real time from the web agent caches, based either on a specific user group, a resource or a group of resource meet the recitation of "dynamic" and the rest of the examiner recitation meets the limitation of "static". The reference or the claims should not be interpreted word by word but what is important is what the concept mean for one of ordinary skill in the art. Therefore there is no misquotation done in the office action, it is instead a valid examiner's interpretation.

The forth argument by the applicant is about the independent claims 14, which applicant argued that it includes limitation "static maximum allowed access data structure is determined pursuant to an evaluation of the first access request and mechanism provides

extensible support for application-defined business rules via a set of APIs and DACLs. The Netegrity Paper includes no such teaching or suggestion.

Examiner disagrees with the above argument.

In response to the applicant's argument the Examiner points out the argument raised by the applicant is similar to the one described above. Examiner response given above is also applicable to this argument because the core concept of the invention which is recited in the independent claim 1 also incorporates major/important limitation of the independent claim 14 with minor difference which does not patentable distinguishes the two limitation recited in the two independent claims.